

MAR 19 2013

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PIPER A. ROUNTREE,)	CASE NO. 7:11CV00572
)	
Plaintiff,)	
v.)	ORDER
)	
)	
HAROLD CLARKE, <u>ET AL.</u> ,)	By: James C. Turk
)	Senior United States District Judge
Defendants.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motion for leave to file a second amended complaint (ECF No. 31) is **GRANTED**, and the clerk is **DIRECTED** to file copies of the previously proposed second amended complaint (ECF No. 31-1) and incorporated exhibits (ECF Nos. 3-1 through 3-8; and 23-2, at pp. 1-13) as a separate document styled as "second amended complaint";
2. Defendants' motion for summary judgment under 42 U.S.C. § 1997e(a) on the ground of failure to exhaust available administrative remedies is **DENIED WITHOUT PREJUDICE** to further proceedings on this defense; and
3. The matter is **REFERRED** to the Hon. Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for further proceedings on the issue of exhaustion of available administrative remedies, including an evidentiary hearing and preparation of a report, setting forth appropriate findings of fact, conclusions of law, and a recommended disposition of the exhaustion issue.

ENTER: This 19th day of March, 2013.


Senior United States District Judge